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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

06/700,165 (USP 4,911,932)

Filing Date

February 11, 1985 (Granted March 27, 1990)

First Named Inventor

Charles E. Clum

Art Unit

Examiner Name

Attorney Docket Number

054824-0006

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

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Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

See Remarks

Remarks

1. Request for a Third Interim Extension of Patent Term Pursuant to 35 USC 156 (e)(2) and 37 CFR 1.760 During Pendency of Previously Filed Request for Extension of Patent Term;

2. Return Receipt Postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Morgan, Lewis & Bockius LLP

Signature

Printed name

Gregory T. Lowen

Date

February 23, 2009

Reg. No.

46,882

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Date

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PATENT
Attorney Docket 054824-0006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent No. 4,911,932)
Granted: March 27, 1990)
Patentees: Charles E. CLUM *et al.*)
Assignee: Johnson and Johnson Consumer)
Companies, Inc.)
FOR: SKIN CARE COMPOSITIONS)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window Mail Stop Hatch-Waxman PTE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Date: February 23, 2009

**REQUEST FOR A THIRD INTERIM EXTENSION OF PATENT TERM PURSUANT
TO 35 U.S.C. § 156(e)(2) AND 37 C.F.R. 1.760 DURING PENDENCY OF
PREVIOUSLY FILED REQUEST FOR EXTENSION OF PATENT TERM**

Sir:

Applicant hereby requests a third interim extension of the term of subject U.S. Patent 4,911,932 during the pendency of the previously filed Request For Extension Of Patent Term, pursuant to 35 U.S.C. § 156(e)(2) and 37 CFR § 1.760.

A formal application for extension of the term of U.S. Patent 4,911,932, in full compliance with 37 CFR § 1.740, was filed on April 5, 2006. The Patent Office advised in late 2006 that the final determination and grant of the extension would not occur before the expiration of the original term of the subject patent on March 27, 2007. Therefore, a first request for interim extension was filed on December 19, 2006 and an Order Granting Interim Extension was subsequently issued on March 20, 2007, granting an interim extension for the subject patent until March 27, 2008.

The Patent Office similarly advised in late 2007 that the final determination and grant of the extension would not occur before the expiration of the existing interim extension on March 27, 2008. Therefore, a second request for interim extension was filed on November 26, 2007 and an Order Granting Interim Extension was subsequently issued on March 20, 2008, granting an interim extension for the subject patent until March 27, 2009.

On July 9, 2008, the Patent Office issued Order to Show Cause under 37 C.F.R. 1.750 which challenged the eligibility of the subject patent for patent term extension for the reasons provided therein. On September 8, 2008, the undersigned timely filed a response to the Order which provided arguments supporting the eligibility of the subject patent for patent term extension. Because the PAIR database indicates that a final decision regarding the eligibility of the subject patent has not yet issued, and in view of the approaching second interim extension expiration date of March 27, 2009, a request is being made for a third interim extension of patent term of up to one year, or until a final determination is made regarding the eligibility of the subject patent for extension of patent term, if earlier. This request is being timely filed more than one month prior to the expiration of the second interim extension.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 50-0310.

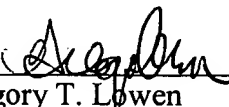
Please address all inquiries and correspondence relating to this application for
patent term extension to:

Gregory T. Lowen
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-739-5915
Facsimile: 202-739-3001

Respectfully Submitted,
Morgan, Lewis & Bockius LLP

Date: February 23, 2009
Morgan Lewis & Bockius LLP
Customer No. 009629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. No.: 202-739-3000

By:



Gregory T. Lowen
Registration No. 46,882
Tel. No.: (202) 739-5915
Fax No.: (202) 739-3001